

MISC.CIVIL APPLICATION NO.1229 OF 1994.

Date of decision: 23.11.1995.

For approval and signature

The Honourable Mr. Justice S.M. Soni

and

The Honourable Mr. Justice R.R.Jain

Mr.N.R. Shahani, advocate for petitioner.

Mr.Mukesh R. Shah, advocate for respondents.

1. Whether Reporters of Local Papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of judgment?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

Coram:S.M.Soni & R.R.Jain,JJ.

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November 23, 1995.

Oral judgment (Per Soni,J.)

Learned advocates for the parties are absent.

Petitioner-Mazdoor Panchayat has alleged that respondents have committed breach of order passed by this court in MCA No.416/94. The said order reads as under:

"At the request of the parties, matter is kept on 7th March 1994 at 4.45 P.M. Ad interim relief in terms of later part of para 4A, that is, the third respondent

shall ensure that thee contract workmen are continued in service without any adverse alterations in condition of service by the contractors."

This order came to be passed in a petition directed against the award of Industrial Tribunal, in terms of a settlement arrived between respondent Nos.2 and 4. Therefore, this court while passing order in MCA No.416 of 1994 was exercising jurisdiction under the Industrial Disputes Act. Industrial Tribunal, as we have held in MCA No.225/90 and others is not a court subordinate to the High Court in the sense the provisions of Section 10 of the Contempt of Courts Act makes provision requiring the High Court to deal with contempt of its subordinate courts. Hence, any consequential orders passed while exercising jurisdiction under the Industrial Disputes Act are not the orders of the court subordinate to the High Court. Moreover, in view of the decision of the Supreme Court in the case of the Alahar Co-operative Credit Service Society v. Sham Lal, reported in 1995 (2) GLH 550, this petition is not maintainable.

In view of the above facts, this petition is not maintainable and is liable to be dismissed. Hence, this petition is dismissed. Rule discharged. No costs.